

nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

“(C) CONSTRUCTION OF AUTHORITY.—Any nomination for midshipmen made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 8454 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for midshipmen for the academic year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 853 of such title is amended by inserting after the item relating to section 8454 the following new item:

“8454a. Midshipmen: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.”.

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 953 of title 10, United States Code, is amended by inserting after section 9442 the following new section:

“§9442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

“(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 9442(a)(3) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

“(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 9442(a)(4) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

“(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 9442 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 953 of such title is amended by inserting after the item relating to section 9442 the following new item:

“9442a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.”.

(d) MERCHANT MARINE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by inserting after section 51302 the following new section:

“§51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate

“(a) SENATORS.—In the event a Senator does not submit nominations for cadets for an academic year in accordance with section 51302(b)(1) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Senator's successor as Senator occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Senator pursuant to such section shall be made instead by the other Senator from the State concerned.

“(b) REPRESENTATIVES.—In the event a Representative from a State does not submit nominations for cadets for an academic year in accordance with section 51302(b)(2) of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Representative's successor as Representative occurs after the date of the deadline for submittal of nominations for cadets for the academic year, the nominations for cadets otherwise authorized to be made by the Representative pursuant to such section shall be made instead by the Senators from the State of the congressional district concerned, with such nominations divided equally among such Senators and any remainder going to the senior Senator from the State.

“(c) CONSTRUCTION OF AUTHORITY.—Any nomination for cadets made by a Member pursuant to this section is not a reallocation of a nomination. Such nominations are made in lieu of a Member that does not submit nominations for cadets for an academic year in accordance with section 51302 of this title due to death, resignation from office, or expulsion from office and the date of the swearing-in of the Member's successor occurs after the date of the deadline for submittal of nominations for cadets for the academic year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by inserting after the item relating to section 51302 the following new item:

“51302a. Cadets: nomination in event of death, resignation, or expulsion from office of member of Congress otherwise authorized to nominate.”.

SA 4387. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XI, insert the following:

SEC. _____. TREATMENT OF HOURS WORKED UNDER A QUALIFIED TRADE-OF-TIME ARRANGEMENT.

Section 5542 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) Notwithstanding any other provision of this section, any hours worked by a

firefighter under a qualified trade-of-time arrangement shall be disregarded for purposes of any determination relating to eligibility for, or the amount of, any overtime pay under this section.

“(2) For purposes of this subsection—

“(A) the term ‘qualified trade-of-time arrangement’ means an arrangement under which 2 firefighters who are employed by the same agency agree, solely at their option and with the approval of their employing agency, to substitute for one another during scheduled work hours in the performance of work in the same capacity; and

“(B) the term ‘firefighter’ means a firefighter as defined by section 8331(21) or 8401(14).”.

SA 4388. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2836. INCREASE IN AMOUNTS AVAILABLE FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION FOR REVITALIZATION AND RECAPITALIZATION OF LABORATORIES.

Section 2805(d) of title 10, United States Code, is amended by striking “\$6,000,000” each place it appears and inserting “\$10,000,000”.

SA 4389. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. COAST GUARD YARD IMPROVEMENT.

Of the amounts authorized to be appropriated under section 4902(2)(A)(ii) of title 14, United States Code, \$175,000,000 shall be made available for fiscal year 2022 for the Commandant of the Coast Guard to improve facilities at the Coast Guard Yard in Baltimore, Maryland, including dock, dry dock, and capital equipment improvements and dredging necessary to facilitate access to such Coast Guard Yard.

SA 4390. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 376. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON PREVENTING TACTICAL VEHICLE TRAINING ACCIDENTS.

(a) **PLAN REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, each Secretary concerned shall submit to the congressional defense committees and to the Comptroller General of the United States a plan to address the recommendations in the report by the Comptroller General entitled “Army and Marine Corps Should Take Additional Actions to Mitigate and Prevent Training Accidents” (GAO-21-361).

(2) **ELEMENTS.**—Each plan submitted under paragraph (1) shall include, with respect to each recommendation in the report described in such paragraph that the Secretary concerned has implemented or intends to implement—

(A) a summary of actions that have been or will be taken to implement the recommendation; and

(B) a schedule, with specific milestones, for completing implementation of the recommendation.

(b) **DEADLINE FOR IMPLEMENTATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall carry out activities to implement the plan of the Secretary developed under subsection (a).

(2) **EXCEPTION FOR IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.**—

(A) **DELAYED IMPLEMENTATION.**—A Secretary concerned may initiate implementation of a recommendation in the report described in subsection (a) after the date specified in paragraph (1) if, on or before such date, the Secretary provides to the congressional defense committees a specific justification for the delay in implementation of such recommendation.

(B) **NONIMPLEMENTATION.**—A Secretary concerned may decide not to implement a recommendation in the report described in subsection (a) if, on or before the date specified in paragraph (1), the Secretary provides to the congressional defense committees—

(i) a specific justification for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the conditions underlying the recommendation.

(c) **SECRETARY CONCERNED DEFINED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of the Army, with respect to matters concerning the Army; and

(2) the Secretary of the Navy, with respect to matters concerning the Navy.

SA 4391. Mr. VAN HOLLEN (for himself, Mr. CARPER, Mr. BLUMENTHAL, Mr. WYDEN, Mr. DURBIN, Mr. CASEY, Mr. KAINE, Mr. HEINRICH, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—District of Columbia National Guard Home Rule

SEC. 1071. SHORT TITLE.

This subtitle may be cited as the “District of Columbia National Guard Home Rule Act”.

SEC. 1072. EXTENSION OF NATIONAL GUARD AUTHORITIES TO MAYOR OF THE DISTRICT OF COLUMBIA.

(a) **MAYOR AS COMMANDER-IN-CHIEF.**—Section 6 of the Act entitled “An Act to provide for the organization of the militia of the District of Columbia, and for other purposes”, approved March 1, 1889 (sec. 49-409, D.C. Official Code), is amended by striking “President of the United States” and inserting “Mayor of the District of Columbia”.

(b) **RESERVE CORPS.**—Section 72 of such Act (sec. 49-407, D.C. Official Code) is amended by striking “President of the United States” each place it appears and inserting “Mayor of the District of Columbia”.

(c) **APPOINTMENT OF COMMISSIONED OFFICERS.**—(1) Section 7(a) of such Act (sec. 49-301(a), D.C. Official Code) is amended—

(A) by striking “President of the United States” and inserting “Mayor of the District of Columbia”; and

(B) by striking “President.” and inserting “Mayor.”.

(2) Section 9 of such Act (sec. 49-304, D.C. Official Code) is amended by striking “President” and inserting “Mayor of the District of Columbia”.

(3) Section 13 of such Act (sec. 49-305, D.C. Official Code) is amended by striking “President of the United States” and inserting “Mayor of the District of Columbia”.

(4) Section 19 of such Act (sec. 49-311, D.C. Official Code) is amended—

(A) in subsection (a), by striking “to the Secretary of the Army” and all that follows through “which board” and inserting “to a board of examination appointed by the Commanding General, which”; and

(B) in subsection (b), by striking “the Secretary of the Army” and all that follows through the period and inserting “the Mayor of the District of Columbia, together with any recommendations of the Commanding General.”.

(5) Section 20 of such Act (sec. 49-312, D.C. Official Code) is amended—

(A) by striking “President of the United States” each place it appears and inserting “Mayor of the District of Columbia”; and

(B) by striking “the President may retire” and inserting “the Mayor may retire”.

(d) **CALL FOR DUTY.**—(1) Section 45 of such Act (sec. 49-103, D.C. Official Code) is amended by striking “, or for the United States Marshal” and all that follows through “shall thereupon order” and inserting “to order”.

(2) Section 46 of such Act (sec. 49-104, D.C. Official Code) is amended by striking “the President” and inserting “the Mayor of the District of Columbia”.

(e) **GENERAL COURTS MARTIAL.**—Section 51 of such Act (sec. 49-503, D.C. Official Code) is amended by striking “the President of the United States” and inserting “the Mayor of the District of Columbia”.

SEC. 1073. CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.

(a) **FAILURE TO SATISFACTORILY PERFORM PRESCRIBED TRAINING.**—Section 10148(b) of title 10, United States Code, is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(b) **APPOINTMENT OF CHIEF OF NATIONAL GUARD BUREAU.**—Section 10502(a)(1) of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(c) **VICE CHIEF OF NATIONAL GUARD BUREAU.**—Section 10505(a)(1)(A) of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(d) **OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.**—Section 10506(a)(1) of such title is

amended by striking “the commanding general of the District of Columbia National Guard” both places it appears and inserting “the Mayor of the District of Columbia”.

(e) **CONSENT FOR ACTIVE DUTY OR RELOCATION.**—(1) Section 12301 of such title is amended—

(A) in subsection (b), by striking “commanding general of the District of Columbia National Guard” in the second sentence and inserting “Mayor of the District of Columbia”; and

(B) in subsection (d), by striking the period at the end and inserting the following: “, or, in the case of the District of Columbia National Guard, the Mayor of the District of Columbia.”.

(2) Section 12406 of such title is amended by striking “the commanding general of the National Guard of the District of Columbia” and inserting “the Mayor of the District of Columbia”.

(f) **CONSENT FOR RELOCATION OF UNITS.**—Section 18238 of such title is amended by striking “the commanding general of the National Guard of the District of Columbia” and inserting “the Mayor of the District of Columbia”.

SEC. 1074. CONFORMING AMENDMENTS TO TITLE 32, UNITED STATES CODE.

(a) **MAINTENANCE OF OTHER TROOPS.**—Section 109(c) of title 32, United States Code, is amended by striking “(or commanding general in the case of the District of Columbia)”.

(b) **DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**—Section 112(h)(2) of such title is amended by striking “the Commanding General of the National Guard of the District of Columbia” and inserting “the Mayor of the District of Columbia”.

(c) **ADDITIONAL ASSISTANCE.**—Section 113 of such title is amended by adding at the end the following new subsection:

“(e) **INCLUSION OF DISTRICT OF COLUMBIA.**—In this section, the term ‘State’ includes the District of Columbia.”.

(d) **APPOINTMENT OF ADJUTANT GENERAL.**—Section 314 of such title is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c) and (d) as subsections and (c), respectively; and

(3) in subsection (b) (as so redesignated), by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia.”.

(e) **RELIEF FROM NATIONAL GUARD DUTY.**—Section 325(a)(2)(B) of such title is amended by striking “commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(f) **AUTHORITY TO ORDER TO PERFORM ACTIVE GUARD AND RESERVE DUTY.**—

(1) **AUTHORITY.**—Subsection (a) of section 328 of such title is amended by striking “the commanding general of the District of Columbia National Guard” and inserting “the Mayor of the District of Columbia”.

(2) **CLERICAL AMENDMENTS.**—

(A) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“SEC. 328. ACTIVE GUARD AND RESERVE DUTY: AUTHORITY OF CHIEF EXECUTIVE.”.

(B) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 328 and inserting the following new item:

“328. Active Guard and Reserve duty: authority of chief executive.”.

(g) **PERSONNEL MATTERS.**—Section 505 of such title is amended by striking “commanding general of the National Guard of the District of Columbia” in the first sentence and inserting “Mayor of the District of Columbia”.